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1509-165

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of : Confirmation No. 6456  
Stephen GOLD et al. :  
Serial No.: 09/826,811 : Art Unit: 2172  
Filed: April 6, 2001 : Examiner: Baoquoc N. To  
For: QUOTA MANAGEMENT IN CLIENT SIDE DATA STORAGE BACK-UP

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF APPEALS AND STATEMENT REGARDING EXTENSION FEE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

May 12, 2004

Sir:

Applicants hereby appeal to the Board of Appeals from the decision of the Primary Examiner finally rejecting claims 21-47. Authorization for payment of the \$330 appeal fee is attached.

To the extent necessary, Applicants request an extension of time under 37 C.F.R. §1.136 in which to file this paper, and the Commissioner is hereby authorized to charge any required fees to counsel's Deposit Account No. 07-1337. However, **no extension fee should be required** as explained below:

- The USPTO mailed a final rejection on November 19, 2003.
- Applicants filed a responsive Amendment on Tuesday, January 20, 2004 (Monday, January 19, being a federal holiday), i.e., two months after the mailing date of the final rejection.

05/13/2004 RNEBRIGHT 00000154 09826811

01 FC:1401

330.00 DP

02/18/2005 CCURTIS 00000001 071337 09826811

01 FC:1253

930.00 DA

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  
GOLD, STEPHEN

U.S. Patent Application No. 09/826,811

Filed: April 6, 2001

For: QUOTA MANAGEMENT IN CLIENT SIDE DATA STORAGE BACK-UP

Dear Sir:

Transmitted herewith is an Amendment in the above identified application.

- No additional fee is required.  
 Small entity status of this application has been established.  
 Also attached:

The fee has been calculated as shown below:

	NO. OF CLAIMS	HIGHEST PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	FEE
Total Claims	21	27	0	x \$ 18 =	\$ 0.00
Independent Claims	6	7	0	x \$ 86 =	\$ 0.00
If multiple defendant claims newly presented, add \$290.00					
Fee for extension of time					
<b>TOTAL FEE DUE</b>					<b>\$ 0.00</b>

A credit card authorization form in the amount of \_\_\_\_\_ is attached.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment, to Deposit Account No. 07-1337, including any filing fees under 37 CFR 1.16 for presentation of extra claims and any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

LOWE HAUPTMAN GILMAN &amp; BERNER, LLP



Allan M. Lowe  
Registration No.: 19,641

USPTO Customer No. 22429  
1700 Diagonal Road, Suite 300  
Alexandria, Virginia 22314  
(703) 684-1111 AML/gmj  
(703) 518-5499 Facsimile  
January 20, 2004

## Certificate of Mailing

I hereby certify this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: (Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450)

On January 20, 2004

